

ORDINANCE NO. 07-71

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE QUITCLAIM DEED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION CONSISTING OF A 24,171-SQUARE FOOT PARCEL OF LAND DESCRIBED AS PARCEL 851 AND LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION BETWEEN THE PALMETTO EXPRESSWAY (STATE ROAD 826) NORTHBOUND EXIT AND 49 STREET, HIALEAH, FLORIDA TO BE USED AS A LANDSCAPED GREEN AND OPEN SPACE WITH AN ENTRANCE FEATURE, IF DESIRABLE, TO THE CITY OF HIALEAH; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Hialeah, Fla., Resolution 06-140 (Sept. 28, 2006), the City of Hialeah requested the transfer of surplus real property, a vacant parcel of land identified as Parcel No. 851 located on the southeast corner of the intersection of 49 Street and the Palmetto Expressway (State Road 826) northbound, from the Florida Department of Transportation and the City further declared as its public purpose and intent to use the property as landscaped green and open space with an entrance feature, if desirable; and

WHEREAS, the Florida Department of Transportation transferred all rights, title and interest to the property by quitclaim deed to the City of Hialeah to be used as a landscaped green and open space with an entrance feature, if desirable, to the City of Hialeah; and

WHEREAS, the City finds that it is in the best interest of the City and its residents to accept the quitclaim deed from the Florida Department of Transportation.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby accepts a quitclaim deed from the Florida Department of Transportation, Trustees, consisting of a 24,171-square foot parcel of land described as Parcel 851 in the quitclaim deed and depicted in a sketch, a copy of which are attached hereto and made a part hereof as Composite Exhibit "1", and located on the southeast corner of the intersection of Palmetto Expressway (State Road 826) northbound exit and 49 Street, Hialeah, Florida, to be used as a landscaped green and open space with an entrance feature, if desirable, to the City of Hialeah.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

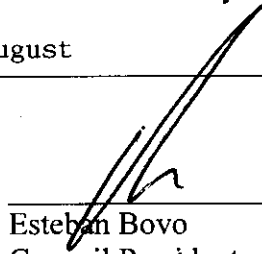
PASSED and ADOPTED this 28th day of August, 2007.

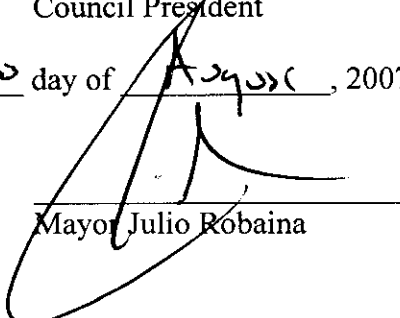
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:


Rafael E. Granado, City Clerk

Approved on this 30 day of August, 2007.


Esteban Bovo
Council President



Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

s:\wmg\legis\ord-2007\deedacceptFDOTparcel85149street.doc

Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".

This instrument prepared by,
or under the direction of,
D. Michael Schloss, Esq. 
District General Counsel
Florida Department of Transportation
1000 NW 111th Avenue, Miami, Florida 33172

Parcel No.: 851
Item/Segment No.: 2491131
Managing District: Six

**QUITCLAIM DEED
(Public Purpose)**

THIS INDENTURE, Made this 8th day of AUGUST, 2007 by and between the STATE OF FLORIDA by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, Party of the First Part, whose address is 1000 NW 111th Avenue, Miami, Florida 33172, to CITY OF HIALEAH, Party of the second part, whose Post Office address is City Hall, 501 Palm Avenue, Hialeah, Florida 33010.

WITNESSETH

WHEREAS, said land hereinafter described was heretofore acquired for state highway purposes; and

WHEREAS, said land is no longer required for such purposes, and the Party of the First Part, by action of the District Secretary, District Six, Florida Department of Transportation on February 4, 2004, pursuant to the provisions of Section 337.25, Florida Statutes, has agreed to quitclaim the land hereinafter described to the Party of the Second Part without consideration, to be used solely for public purposes.

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Party of the First Part does hereby remise, release and quitclaim unto the Party of the Second Part, and assigns, forever, all the right, title and interest of the State of Florida Department of Transportation to the property herein described to be used solely for public purposes, pursuant to the provisions of Section 337.25, Florida Statutes, all that certain land situate in Miami-Dade County, Florida, viz:

(See Exhibit "A" attached hereto and made part hereof).

TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto the Party of the Second Part.

REVERTER – The property herein described is to be used for landscaped green and open space with entrance feature, if desirable, by the Party of the Second Part. If the property ceases to be used for the above described purpose all property rights shall revert back to the said Party of the First Part.

*sent to
ORD.
07-71*

Parcel No.: 851
Item/Segment No.: 2491131
Managing District: Six

RESERVING UNTO THE PARTY OF THE FIRST PART and its successors, an undivided three-fourths interest in, and title in and to, an undivided three-fourths interest in all the phosphate, minerals and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same on all lands wherein the Party of the First Part holds the requisite interest.

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida Department of Transportation by its District Secretary, District Six and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

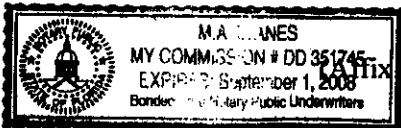
Attest: Margaret Higgins
Margaret Higgins
Executive Secretary

By: John Martinez
John Martinez
District Six Secretary

(Affix Department Seal)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 8th AUGUST 2007, by John Martinez, District Secretary for District Six, who is personally known to me, or who has produced _____ as identification.



M.A. Llanes
Notary Public in and for the County and State last aforesaid.

(Affix Notary Seal)

My Commission Expires: _____

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land lying and being in the Northwest Quarter (N.W. $\frac{1}{4}$) of Section 2, Township 53 South, Range 40 East and lying East of and adjacent to the Easterly Limited Access Right Of Way Line of State Road 826 and South of and adjacent to the Southerly Limited Access Right Of Way Line of Northwest 103rd Street as shown on Right of Way Map State Road 826, Section No. 87260-2589, sheet 4 of 6, as prepared by The Florida Department of Transportation, also known as that certain un-subdivided parcel lying Northwesterly of and adjacent to Tract A of 'Hialeah Inn Tract' according to the Plat thereof as recorded in Plat Book 99 at Page 62 of the Public Records of Miami-Dade County Florida; said parcel being more particularly described as follows:

COMMENCE at Northeast corner of Section 2, Township 53 South, Range 40 East; THENCE run along the West Line of said Section 2, being the Baseline Of Survey for State Road 826 as shown on said Right of Way Map State Road 826, Section No. 87260-2589, South $01^{\circ}47'24''$ East for a Distance of 1137.26 feet to a point on the Baseline Of Survey for Northwest 103rd Street as shown on said Right of Way Map State Road 826, Section No. 87260-2589; Thence run along said Baseline Of Survey for Northwest 103rd Street, North $89^{\circ}39'41''$ East for a distance of 351.97 feet; Thence South $00^{\circ}20'19''$ East for a Distance of 76.12 feet to the Southerly Limited Access Right Of Way Line of Northwest 103rd Street, said point being the POINT OF BEGINNING of the parcel of land hereinafter described, the following two courses are coincident with the most Easterly West line and the most Southerly North line of said Tract A of 'Hialeah Inn Tract' according to the Plat thereof as recorded in Plat Book 99 at Page 62 of the Public Records of Miami-Dade County Florida; Thence South $01^{\circ}47'24''$ East for a Distance of 123.87 feet; Thence South $89^{\circ}39'40''$ West for a distance of 200.00 feet to Easterly Limited Access Right Of Way Line of State Road 826, the following three courses are along Easterly Limited Access Right Of Way Line of State Road 826 and the Southerly Limited Access Right Of Way Line of Northwest 103rd Street; Thence North $01^{\circ}47'24''$ West for a distance of 65.12 feet to a Point Of Curvature with a non-tangent circular Curve concave to the Southeast having for its elements a Radius of 82.00 feet, a Tangent Bearing of South $12^{\circ}09'47''$ West, a Chord Bearing and Chord length of South $52^{\circ}30'10''$ West and 106.16 feet; Thence Northeasterly along said circular Curve through a Central Angle of $80^{\circ}40'46''$ and Arc distance of 115.47 feet to the Point of curvature of a non-tangent circular Curve concave to the Northeast having for its elements a Radius of 6987.76 feet, a Tangent Bearing of North $87^{\circ}09'26''$ West, a Chord Bearing and Chord length of North $87^{\circ}37'29''$ West and 114.03 feet; Thence Southeasterly along said circular Curve through a Central Angle of $00^{\circ}56'06''$ and Arc distance of 114.03 feet to the POINT OF BEGINNING.

Containing (24171 square feet), or 0.56 acres more or less.

ORDER No.: 03-77335

BISCAYNE ENGINEERING COMPANY, INC.



Consulting Engineers • Planners • Surveyors

529 WEST FLAGLER STREET
MIAMI, FLORIDA 33130
PH: (305) 324-7671
FAX: (305) 324-0809

Florida Department of Transportation, District VI

Item/Segment No.: 2491131

W.P.I. No.: 6113290

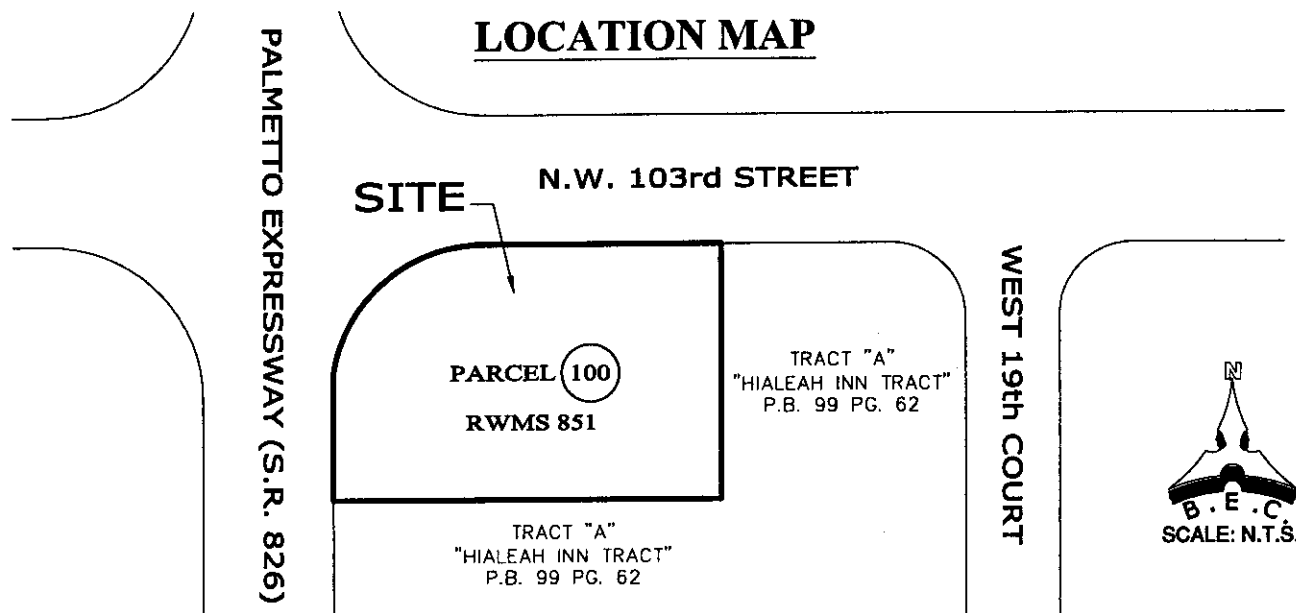
State Project No.: 87260-2589

State Road No.: 826

County: Miami-Dade

Parcel No.: RWMS 851 (100)

SHEET 1 OF 3

EXHIBIT "A"**LOCATION MAP****SYMBOLS AND ABBREVIATIONS:**

P.O.C. = POINT OF COMMENCEMENT
 P.O.B. = POINT OF BEGINNING
 N.T.S. = NOT TO SCALE
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 PG. = PAGE
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 —X— = FENCE
 -+ -+ = LIMITED ACCESS RIGHT-OF-WAY LINE

SURVEY NOTES:

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED MERIDIAN AND ARE REFERENCED TO THE EAST RIGHT OF WAY LINE OF PALMETTO EXPWY (S.R. 826) HAVING A BEARING OF S01°47'24"E

EXHIBIT "A" IS BASED ON THE FOLLOWING DOCUMENTS:

*PLAT BOOK "HIALEAH INN TRACT" P.B. 99, PAGE 62
 *RIGHT OF WAY MAP "PALMETTO EXPWY. & N.W. 103rd ST. INT. PAGE 4

REVISIONS:

06/15/2007. REVISED TITLE BLOCK DATA, REMOVED "WELCOME TO HIALEAH" SIGN EASEMENT DATA AS PER CLIENTS' INSTRUCTIONS. NO CHANGES HAVE BEEN MADE TO THE LEGAL DESCRIPTION ORIGINALLY SIGNED BY SELVIN P. BRUCE IN OCTOBER 2004.

THIS IS NOT A BOUNDARY SURVEY

I HEREBY CERTIFY THAT THE SKETCH SHOWN AND DEPICTED HEREON WAS DONE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF THE PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

THIS DRAWING CONSISTING OF THREE SHEETS IS INVALID WITHOUT ALL THREE SHEETS.

MIKE BARTHOLOMEW DATE: 06/15/2007
 PROFESSIONAL SURVEYOR AND MAPPER No 5666
 STATE OF FLORIDA

ORDER No.: 03-77335**BISCAYNE ENGINEERING COMPANY, INC.**

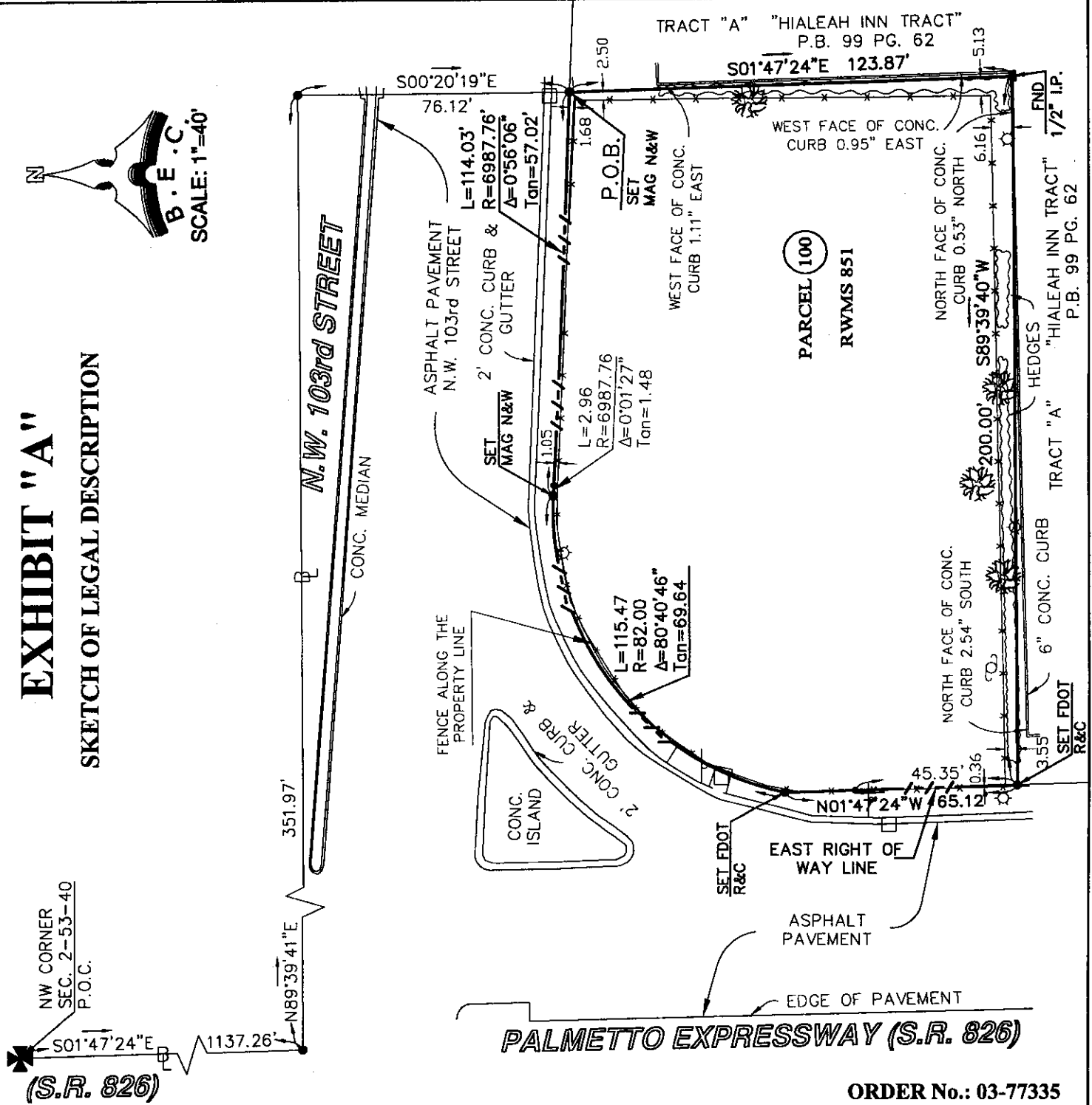
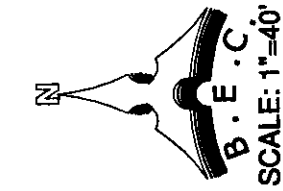
Consulting Engineers • Planners • Surveyors

529 WEST FLAGLER STREET
 MIAMI, FLORIDA 33130
 PH: (305) 324-7671
 FAX: (305) 324-0809

Florida Department of Transportation, District VI**Item/Segment No.: 2491131****W.P.I. No.: 6113290****State Project No.: 87260-2589****State Road No.: 826****County: Miami-Dade****Parcel No.: RWMS 851 (100)****SHEET 2 OF 3**

EXHIBIT "A"

SKETCH OF LEGAL DESCRIPTION



ORDER No.: 03-77335

BISCAYNE ENGINEERING COMPANY, INC.



Consulting Engineers • Planners • Surveyors


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SHEET 3 OF 3

CFN 2007R1189119
OR Bk 26109 Pgs 3583 - 3587; (5pgs)
RECORDED 12/17/2007 10:08:16
DEED DOC TAX 0.60
SURTAX 0.45
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

26-SPD.01 06/99 (Public Purpose- No consideration - reserving mineral rights)

This instrument prepared by,
or under the direction of,
D. Michael Schloss, Esq. 
District General Counsel
Florida Department of Transportation
1000 NW 111th Avenue, Miami, Florida 33172

Parcel No.: 851
Item/Segment No.: 2491131
Managing District: Six

**QUITCLAIM DEED
(Public Purpose)**

THIS INDENTURE, Made this 8th day of AUGUST, 2007 by and between the STATE OF FLORIDA by and through the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, Party of the First Part, whose address is 1000 NW 111th Avenue, Miami, Florida 33172, to CITY OF HIALEAH, Party of the second part, whose Post Office address is City Hall, 501 Palm Avenue, Hialeah, Florida 33010.

WITNESSETH

WHEREAS, said land hereinafter described was heretofore acquired for state highway purposes; and

WHEREAS, said land is no longer required for such purposes, and the Party of the First Part, by action of the District Secretary, District Six, Florida Department of Transportation on February 4, 2004, pursuant to the provisions of Section 337.25, Florida Statutes, has agreed to quitclaim the land hereinafter described to the Party of the Second Part without consideration, to be used solely for public purposes.

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Party of the First Part does hereby remise, release and quitclaim unto the Party of the Second Part, and assigns, forever, all the right, title and interest of the State of Florida Department of Transportation to the property herein described to be used solely for public purposes, pursuant to the provisions of Section 337.25, Florida Statutes, all that certain land situate in Miami-Dade County, Florida, viz:

(See Exhibit "A" attached hereto and made part hereof).

TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto the Party of the Second Part.

REVERTER – The property herein described is to be used for landscaped green and open space with entrance feature, if desirable, by the Party of the Second Part. If the property ceases to be used for the above described purpose all property rights shall revert back to the said Party of the First Part.

Parcel No.: 851
Item/Segment No.: 2491131
Managing District: Six

RESERVING UNTO THE PARTY OF THE FIRST PART and its successors, an undivided three-fourths interest in, and title in and to, an undivided three-fourths interest in all the phosphate, minerals and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same on all lands wherein the Party of the First Part holds the requisite interest.

IN WITNESS WHEREOF, the State of Florida Department of Transportation has caused these presents to be signed in the name of the State of Florida Department of Transportation by its District Secretary, District Six and its seal to be hereunto affixed, attested by its Executive Secretary, on the date first above written.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

Attest: Margaret Higgins
Margaret Higgins
Executive Secretary

By: John Martinez
John Martinez
District Six Secretary

(Affix Department Seal)

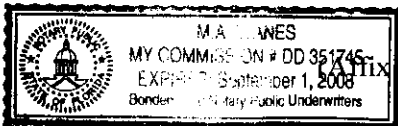
Disandra D.
Witness

W. J. Planes
Witness

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 8th AUGUST 2007, by John Martinez, District Secretary for District Six, who is personally known to me, or who has produced _____ as identification.

W. J. Planes
Notary Public in and for the County and State last aforesaid.



(Affix Notary Seal)

My Commission Expires: _____

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ORDER No.: 03-77335

BISCAYNE ENGINEERING COMPANY, INC.



Consulting Engineers • Planners • Surveyors

529 WEST FLAGLER STREET
MIAMI, FLORIDA 33130
PH: (305) 324-7671
FAX: (305) 324-0809

Florida Department of Transportation, District VI

Item/Segment No.: 2491131

W.P.I. No.: 6113290

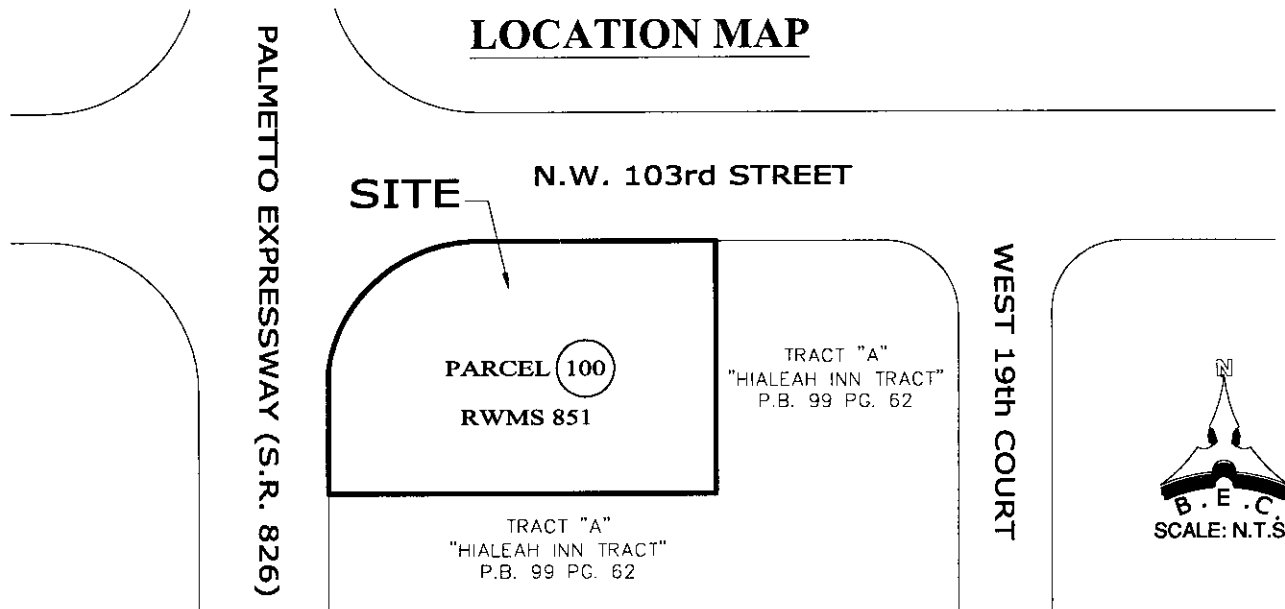
State Project No.: 87260-2589

State Road No.: 826

County: Miami-Dade

Parcel No.: RWMS 851 (100)

SHEET 1 OF 3

EXHIBIT "A"**LOCATION MAP****SYMBOLS AND ABBREVIATIONS:**

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MIKE BARTHOLOMEW DATE: 06/15/2007
 PROFESSIONAL SURVEYOR AND MAPPER No 5666
 STATE OF FLORIDA

ORDER No.: 03-77335**BISCAYNE ENGINEERING COMPANY, INC.**

Consulting Engineers • Planners • Surveyors

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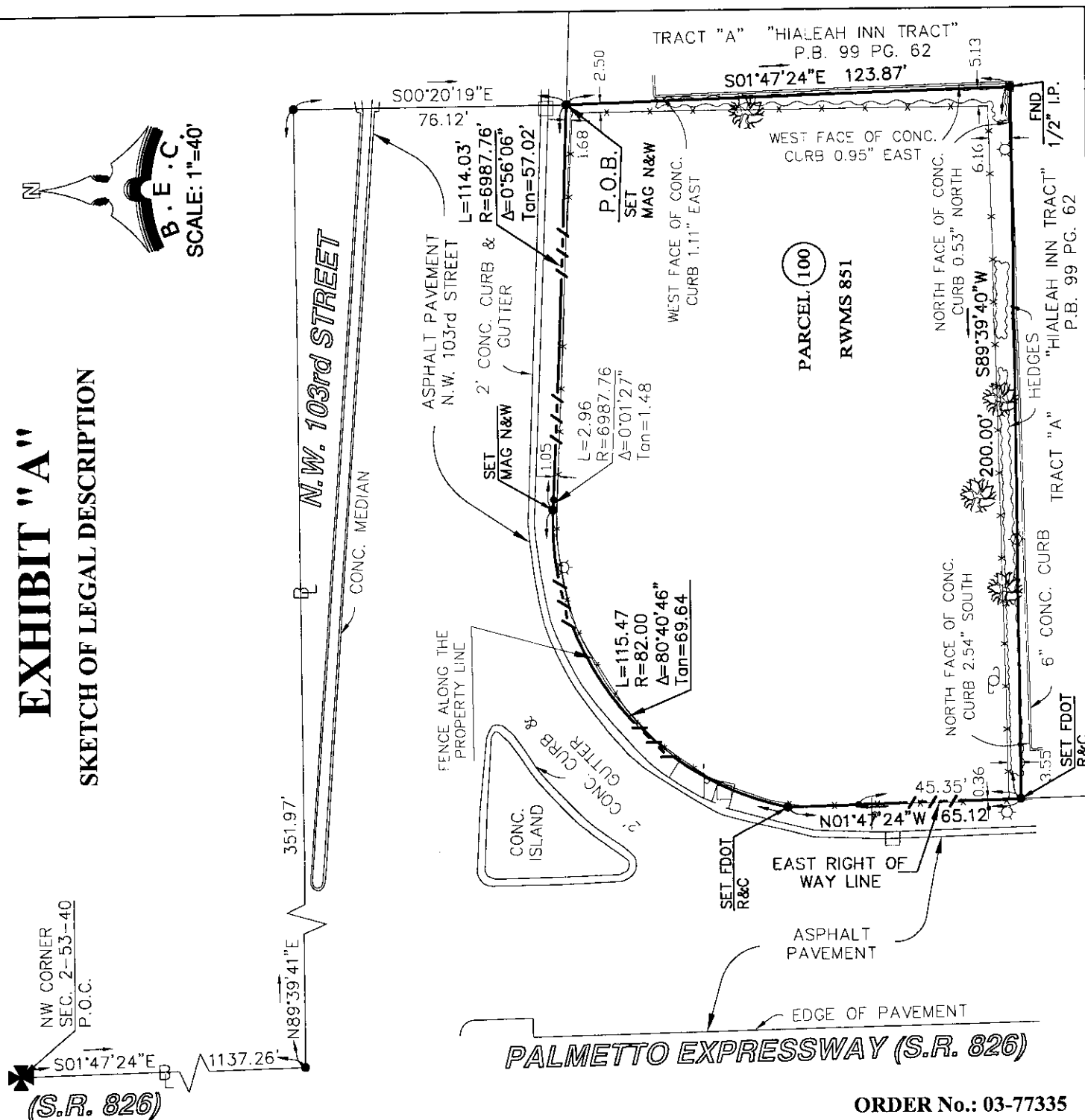
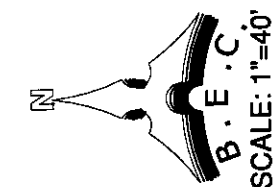
Florida Department of Transportation, District VI

Item/Segment No.: 2491131
 W.P.I. No.: 6113290
 State Project No.: 87260-2589
 State Road No.: 826
 County: Miami-Dade
 Parcel No.: RWMS 851 (100)

SHEET 2 OF 3

EXHIBIT "A"

SKETCH OF LEGAL DESCRIPTION



BISCAYNE ENGINEERING COMPANY, INC.



Consulting Engineers • Planners • Surveyors

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SHEET 3 OF 3